

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MAZEN FATHI SAID	:	CIVIL ACTION
	:	
v.	:	
	:	
JANINE DONATE, THE DISTRICT ATTORNEY OF THE COUNTY OF LACKAWANNA and THE ATTORNEY GENERAL OF PENNSYLVANIA	: : : : :	NO. 07-cv-1197

ORDER

AND NOW, this 11th day of December, 2008, upon consideration of the *pro se* Petition for Writ of Habeas Corpus (Document No. 1), *pro se* petitioner's Motion to Amend (Document No. 15), respondents' Response to Petitioner's Motion to Amend (Document No. 17), and *pro se* petitioner's Reply to Respondent/Commonwealth's Response to Petitioner's Motion to Amend (Document No. 18), and after review of the record, the original Report and Recommendation of United States Magistrate Judge Henry S. Perkin dated August 30, 2008, the Amended Report and Recommendation of United States Magistrate Judge Henry S. Perkin dated November 14, 2008, no objections having been filed to the Amended Report and Recommendation dated November 14, 2008, **IT IS ORDERED** as follows:

1. The Amended Report and Recommendation of United States Magistrate Judge Henry S. Perkin dated November 14, 2008, is **APPROVED** and **ADOPTED**;
2. The Report and Recommendation of United States Magistrate Judge Thomas S. Perkin dated August 30, 2008, is **REJECTED**;
3. Petitioner's Motion to Amend Habeas Corpus Petition is **DENIED**;

4. The Habeas Corpus Petition filed under 28 U.S.C. § 2254 by petitioner, Mazen Fathi Said, is **DISMISSED WITHOUT AN EVIDENTIARY HEARING**; and,

5. A certificate of appealability will not issue because reasonable jurists would not debate whether the petition states a valid claim of the denial of a constitutional right or this Court's procedural rulings with respect to petitioner's claims. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

BY THE COURT:

/s/ Honorable Jan E. DuBois
JAN E. DUBOIS, J.